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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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VISTEON
C/O BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610

EXAMINER

LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,922

Applicant(s)

FECHER ET AL.

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-30 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 106, 112, 128, 132, 134, 150, 152.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “124” has been used to designate both user interface and UART for phone interface. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: typographical errors on page 9, digital interface 126, instead of digital interface 125 on lines 26 and 27; corrections on page 11, line 14.

Appropriate correction is required.

Claim Objections

4. Claim 28 is objected to because of the following informalities: typographical error in line 1: “28. The data processing method of claim 28”, Examiner believes that claim 28 should depend on claim 27. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 limitation “a data processing apparatus configured for operation in conjunction with an external computer selectively originating a ready control signal” is unclear because it is not understood who is originating a ready control signal: a data processing apparatus or an external computer.

Claim 9 limitation “selectively providing a ready control signal to the connector” is unclear, because it is not understood what ‘selectively providing’ means in the context of the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4, 6, 7, 9, 13-15, 25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikiya in view of Preston (US 2002/0154605 A1).

9. Regarding claims 1, 4, 9, 13, 25 and 27-29, Mikiya substantially teaches the limitations of claims 1, 9, 13 and 27-29:

An in-vehicle data system (car emergency system on Fig. 1-3 and [0004]) comprising:

A vehicle telecommunication device for two-way voice and data communication between the vehicle and a remote telecommunication device (two-way radio 2 on Fig. 1-3 operating as a cellular phone on Fig. 1 and with an external computer 9 on Fig. 2 [0004]);

An external computer (external computer 9 on Fig. 2 and [0020]);

A host processor (CPU 7, receiving the alarm signal, and selection circuitry 4 on Fig. 2, producing a control signal for switch 5 as shown on Fig. 2 and [0020] and [0021]) including:

A second communication port having an input coupled with the vehicle communication device and an output (by-directional modem 6, connected with radio 2 through switch 5 on Fig. 2), and

A first communication port having an input coupled with the external computer and an output (by-directional connection between external computer 9 and switch 5 on Fig. 2); and

A switch circuit (switch 5 on Fig. 2) responsive to a control signal from the host processor (control signal from selection circuitry 10 on Fig. 2 and [0015]) for coupling

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the external computer to one of the output of the first communication port and the input of the second communication port (connecting the external computer 9 to the radio 2 in one position of switch 5 shown on Fig. 2 for the computer data communication) and for coupling the vehicle telecommunication device to one of the output of the second communication port and the external computer (connecting radio 2 to modem 6 through the other position of switch 5 for emergency communication).

Mikiya does not teach external computer connected to the system through a connector and external computer providing a ready control signal.

Preston teaches external computer connected to the system through a connector (external computer 38 on Fig. 1, connected with the host computer/system 10 through wired link 34, inherently comprising a connector, because computer 38 is a laptop and connection of the host system with a laptop require a connector [0017]-[0019]) and external computer providing a ready control signal/predetermined code (external computer is integrated into the host computer/system 10, inherently producing a ready control signal/predetermined code, because ready control signal is essential for the computers integration, notifying the host computer that integration is complete, as shown on Fig. 5 and 6, [0030-0031]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add external computer connected to the system through a connector and external computer providing a ready control signal of Preston to the system of Mikiya to make the system flexible by adding a connector for a detachable external computer/laptop and integrating the laptop into the system.

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In addition, regarding claim 25, producing a control signal in response to the ready control signal is inherent in the system of Mikiya in view of Preston, because the control signal is essential for the system to connect an external computer through switch 5, in the system of Mikiya, after the external computer is integrated into the host system per the integration process of Preston, producing a ready control signal.

In addition, regarding claims 28 and 29, Mikiya teaches automatic connection of the external computer to the radio [0004] and the integration process of Preston inherently requires monitoring the data transmitted from the laptop to the host computer, because any protocol for computer integration will require monitoring the data/commands of the other computer at the integration stage).

10. Regarding claims 6, 7, 14 and 15, Mikiya teaches telecommunication device as a radio telephone and a cellular phone (Abstract and [0018]).

11. Claims 2, 8, 16-20, 26, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikiya in view of Preston.

12. Regarding claims 8, 16 and 30 Mikiya in view of Preston teach all the limitations of the parent's claims (see rejection of claims 1, 6, 9 and 14 above).

13. Regarding claims 8 and 16 Mikiya in view of Preston does not teach using satellite phone as the vehicle telecommunication device.

Official notice is taken that satellite phone is well known in telecommunication industry.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use satellite phone in the system of Mikiya in view of Preston to extend the range of the system use to the areas not covered by cellular telephone communications.

14. Regarding claim 30, Mikiya in view of Preston does not teach mounting the connector at a dash of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the connector at a dash of the vehicle in the system of Mikiya in view of Preston, because a dash in the vehicle is an obvious choice for the location of the connector as it close and convenient location for the driver.

15. Regarding claims 2, 17-20 and 26, Mikiya in view of Preston substantially teaches the limitations of claims 17 and 25: (see claim 1 rejection above), including in response to a ready control signal coupling the external computer to the radio (inherently part of the system, because when the external computer is integrated into the system it is automatically connected to two-way radio data communication [0004]) and in response to a predetermined event disconnect the external computer from the radio and connect the radio to the host system [0020].

Mikiya in view of Preston does not teach coupling the host to the radio in absence of the ready control signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add coupling the host to the radio in absence of the ready control signal to the system of Mikiya in view of Preston , because the absence of the ready control signal from the external computer indicates that the computer is not ready for the data communication, therefore

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connecting the radio to the host prepares the system for an emergency communication, making the delay between the emergency event and the radio request for help shorter.

16. Regarding claim 21, Mikiya in view of Preston substantially teaches the limitations of claim 17 (see claim 17 rejection above).

Mikiya in view of Preston (portion of the teachings relied on in the rejections above) does not teach determining a priority among events in the vehicle, detecting an event and if the external computer is engaged in two way communication, comparing priority of the detected event with the priority for the two-way communication, and interrupting the two-way communication according to the priority comparison.

Preston teaches determining a priority among events in the vehicle (identifying navigation as non-critical application in comparison with critical ABS application [0043]), detecting an event (brake problem [0040]-[0042]) and if the external computer is engaged in two way communication (navigation program running on laptop computer [0018] is a two-way communication, because the laptop interacts with GPS), comparing priority of the detected event with the priority for the two-way communication (identifying navigation as non-critical application in comparison with critical ABS application [0043]), and interrupting the two-way communication according to the priority comparison (replacing the navigation application with the ABS application).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add determining a priority among events in the vehicle, detecting an even and if the external computer is engaged in two way communication, comparing priority of the detected event with the priority for the two-way communication, and interrupting the two-way

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communication according to the priority comparison to the system of Mikiya in view of Preston to increase safety of the vehicle, by giving priority to safety related applications.

17. Claims 5, 10-12 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikiya in view of Preston in further view of EIA/TIA 232 standard.

Mikiya in view of Preston teach first and second communication circuits/ports coupling the host with the switch and external computer or telecommunication device (shown on Fig. 2 and in rejections of claims 1 and 17 above).

Mikiya in view of Preston does not teach first and second communication circuits as serial communication circuits and utilizing the standard commands on them.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use serial communication circuits of 232 standard, including the standard commands, in the system of Mikiya in view of Preston, to make the system compatible with numerous computers using serial 232 circuits for an external connection.

Allowable Subject Matter

18. Claim 3 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'DL' followed by a stylized name.

Dmitry Levitan
Patent Examiner
10/05/05